

CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CHAPTER 247

WILD ANIMALS AND BIRDS PROTECTION ACT

[14th April, 1961]

Act 37 of 1961.
SI. 95 of 1975.
Act 23 of 1976.
Act 9 of 2001.
SI. 1 of 2003
SI. 22 of 2007

ARRANGEMENT OF SECTIONS

1. Short title.
2. The Minister may make regulations for protection of wild animals and birds.-
- 2A. Seizure etc.. of things used in commission of offence.
3. Penalties.
4. Saving.
5. Chapter 16 and regulations unaffected.

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1. This Act may be cited as the Wild Animals and Birds Protection Act.
2. (1) The Minister may make regulations for the protection of wild animals and birds.
(2) Without prejudice to the generality of the foregoing power such regulations may-
 - (a) prohibit the shooting, killing, or taking of any wild animal or bird;
 - (b) prohibit the possession, purchase, sale or exhibition for sale of any wild animal or bird or any part of wild animal or bird or any wild bird's egg;
 - (c) prohibit the taking or destroying of or tampering with any wild bird's eggs or nest;
 - (d) prohibit the exportation of any wild bird or of the plumage or skin thereof;

- (e) provide that contravention of or failure to comply with any regulations shall be an offence;
 - (f) prescribe, subject to section 3, the penalty for an offence against a regulation made under this Act.
- (3) Any such regulation may be made to apply or not to apply -
- (i) to any wild animal or bird specifically described in such regulation or to any class of wild animals or birds with or without exception or to all wild animals or birds with or without exception;
 - (ii) to the whole or to any part of Seychelles;
 - (iii) at all times or for a specified period or specified periods in any year or years.

2A. (1) Where a police officer has reason to believe that a person has committed an offence against a regulation made under this Act, he may, without a warrant, seize and detain any boat or other vessel or motor vehicle or aircraft which, he has reason believe, has been used in the commission of that offence.

(2) Any boat or other vessel or motor vehicle or aircraft seized under subsection (1) shall be delivered into the custody of the Magistrates' Court and shall be dealt with according to the provisions of subsection (3) or subsection (4).

(3) Where, upon the conviction of the person for an offence under this Act, a fine is imposed such boat or other vessel or motor vehicle or aircraft shall be held until the whole fine is paid, and if within sixty days following the imposition of a fine any part of the fine remains unpaid such boat or other vessel or motor vehicle or aircraft may be sold and the proceeds applied towards the payment of the fine.

(4) Where subsection (3) does not apply, or where a satisfactory bond or other security for the value of such boat or other vessel or motor vehicle or aircraft is given at any time, the Court shall order its release.

3. (1) Any person guilty of an offence against any regulation made under this Act shall, on conviction, be liable to the penalty prescribed by regulation, or where no such penalty is so prescribed, to a fine not less than R5000 and not exceeding R500,000 or to a term of imprisonment not exceeding two years.

(2) Where a penalty is prescribed by regulation, it shall not exceed the maximum fine and imprisonment referred to in subsection (1).

(3) On convicting any person for an offence against any regulation, the Court in addition to any penalty imposed may cancel any licence issued to that person to operate any boat or vessel or motor vehicle or aircraft which is proved to have been used in the commission of the offence.

4. Notwithstanding the provisions of any regulation made under this Act it shall be lawful for any person, with leave previously obtained from the Minister, to shoot, kill, or take any wild animal or bird or to take eggs of any wild bird or to export any wild bird or the plumage or skin thereof.

5. Nothing in this Act shall be deemed to affect the provisions of the Birds' Eggs Act and of any regulations made under that Act.

LAWS OF SEYCHELLES

CHAPTER 247

WILD ANIMALS AND BIRDS PROTECTION ACT

SUBSIDIARY LEGISLATION

THE WILD BIRDS PROTECTION REGULATIONS

[18th April, 1966]

SI. 26 of 1966.
SI. 40 of 1968
SI. 19 of 1999

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Interpretation.
3. Birds declared protected.
4. No person shall shoot etc., any protected bird.
5. No person shall take etc., eggs or nests of any protected bird.
6. Offences and penalties.

1. These regulations may be cited as the Wild Birds Protection Regulations.
2. In these regulations unless the context otherwise requires "bird" means a wild land or sea bird whether alive or dead and includes the plumage or skin thereof.
3. (1) All birds, except as hereafter provided, are hereby declared to be protected throughout Seychelles during the whole year.
(2) The following birds shall not be protected -
 - (a) the Cardinal Bird or Tisserin (*Foudia Madagascariensis*), the African Barn Owl or Hibou, the Mynah and the House Sparrow;
 - (b) the Seychelles Bulbul or Merle (*Ixocincla Crasirostris*) on the islands of Frigate, La Digue and Praslin, from the 15th April to the 15th November (both dates inclusive);
 - (c) the Cattle Egret or Madame Paton (*Bubulcus Ibis*) and the Grey Heron or Florentin (*Ardea Cinerea*) on the islands where sea birds lay their eggs and listed in the Schedule to the Birds' Eggs

- (d) the nestling of the Wedge-tailed Shearwater or Fouquet (*Procellaria Pacifica Hamiltoni*) from the 1st January to the 31st March (both dates inclusive) on all islands except Beacon or Ile Séche, Les Mamelles, North Cousin or Cousin, South Cousin or Cousin and Vache Marine.

4. No person shall -

- (1) shoot, kill or take, or
- (2) purchase, sell or exhibit for sale, or export,

any bird declared to be protected under regulation 3.

5. No person shall take, purchase, sell, exhibit for sale, shall take destroy or tamper with the eggs or nests of any bird declared etc., eggs or to be protected under regulation 3:

Provided that this regulation shall not be deemed to affect in any way the provisions of Birds' Eggs Act and of any regulations made thereunder which shall have full force and effect.

5A. (1) The Minister may, in the interest of public health and controlling safety or for the purposes of conservation of a species or sub-species of wild animal or bird, authorise by notice in the population *Gazette*, the culling, selective culling or controlling of certain bird populations.

(2) The Notice shall specify the area and period within which the acts authorised will be carried out.

6. Any person who contravenes regulation 4 or regulation 5 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

THE WILD BIRDS PROTECTION (NATURE RESERVES) REGULATIONS

[18th April, 1966]

SI. 27 of 1966.
SI. 104 of 1975
SI. 72 of 1976

ARRANGEMENT OF REGULATIONS

- 1. Citation.
- 2. Interpretation.
- 3. Appointment of wardens.
- 4. Powers and rights of wardens.
- 5. Powers and rights of resident wardens.
- 6. No person to disturb etc., birds in nature reserve or tamper with etc. birds' eggs and nests.
- 7. Owner's responsibility with regard to nature reserve.

8. Owner to give facilities for accommodation of resident wardens.
9. No person to obstruct or hinder wardens and resident wardens.
10. Offences and penalties.

1. These regulations may be cited as the Wild Birds Protection (Nature Reserves) Regulations.

2. In these regulations unless the context otherwise requires -

"bird" means any wild land or sea bird.

"nature reserve" means any island or place declared in the schedule hereto to be a nature reserve;

"the owner" includes the lessee, the usufructuary or the person in actual occupation;

"resident warden" means a warden directed by the President to reside in a specified nature reserve under the provisions of regulation 3;

"warden" means a person appointed to be warden of nature reserves under the provisions of regulation 3.

3. The President may appoint such number of persons as he may deem necessary to be wardens of nature reserves and may direct that any such person or persons shall reside in any nature reserve specified by him.

4. A warden may enter upon, visit and inspect any island or place declared to be a nature reserve.

5. A resident warden may live on any island or in any place declared to be a nature reserve and shall have access to any part of such island or place. A resident warden shall have all the powers and rights conferred upon a warden by these regulations.

6. No person may, in a nature reserve, -

(a) disturb, catch, take, shoot or kill, or

(b) tamper with, take or destroy the eggs or nests tamper with of,

any bird except a bird which is not protected under the provisions of subregulation (2) of regulation 3 of the Wild Birds Protection Regulations:

Provided that this regulation shall not be deemed to affect in any way the provisions of the Birds' Eggs Act and of any regulations made thereunder which shall have full force and effect.

7. The owner of any island or place declared to be a responsibility nature reserve -

- (a) shall not do, allow or suffer to be done, in such nature reserve, anything which would adversely affect the bird life and in this respect shall follow any directions which may be given to him by the Chief Agricultural Officer or by a warden, and
- (b) shall take such measures as the Chief Agricultural Officer may direct for the protection of the bird life subject to the cost of implementing such measures being borne by the Government of Seychelles.

8. The owner of any island or place declared to be a nature reserve shall give all facilities for the accommodation of resident wardens on such island or in such place subject to any cost arising therefrom being borne by the Government of resident Seychelles.

9. No person shall obstruct or hinder a warden or a obstruct or resident warden in the execution of his duties or in the hinder exercise of any power or right conferred upon him by these wardens and regulations.

10. Any person who contravenes or fails to comply with any provision of regulations 6, 7, 8 or 9 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

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SCHEDULE

The following island are declared to be nature reserves -

- Beacon or Ile Séche
- Booby or Ils aux Fous
- Boudeuse
- Etoile
- King Ross or Lamperiaire
- Les Mamelles
- North Cousin or Cousin
- Vache Marine

The following places are declared to be nature reserves -

- The Vallée de Mai, Praslin.

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THE WILD ANIMALS (SEYCHELLES POND TURTLE) PROTECTION REGULATIONS

[19th May, 1966]

SI. 30 of 1966.

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Seychelles Pond Turtle declared protected.
3. Taking, keeping and killing Seychelles Pond Turtle prohibited.
4. Purchase, selling etc., of preserved or stuffed Seychelles Pond Turtle prohibited.
5. Offences and penalties.

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1. These regulations may be cited as the Wild Animals (Seychelles Pond Turtles) Protection Regulations.

2. The Seychelles Pond Turtle or Tortue Soupape is hereby Pond Turtle declared to be protected throughout Seychelles.

3. No person shall take, keep or kill any Seychelles Pond keeping and Turtle or Tortue Soupape.

4. No person shall purchase, sell or exhibit for sale, or selling etc., export any preserved or stuffed Seychelles Pond Turtle or of preserved Tortue Soupape.

5. Any person who contravenes regulation 3 or regulation 4 shall be guilty of an offence and shall be liable to the penalties provided under section 3 of the Act.

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THE WILD ANIMALS (GIANT LAND TORTOISES) PROTECTION REGULATIONS

[24th June, 1974]

SI. 59 of 1974.
SI. 39 of 1999
SI. 40 of 2000

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Giant Land tortoise declared protected.
3. Taking and killing Giant Land Tortoise prohibited.
4. Purchase or selling of preserved or stuffed Giant Land Tortoises prohibited.
5. Restriction on export of giant land tortoise.
6. Export of an adult Giant Land Tortoise as donation.
7. Application for registration.

8. Export of Giant Land Tortoise by tortoise breeders.
9. Export permits.

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1. These regulations may be cited as the Wild Animals (Giant Land Tortoises) Protection Regulations.

2. The Giant Land Tortoises (*Geochelone gigantea*) is tortoise hereby declared to be protected throughout Seychelles.

3. No person shall take or kill any Giant Land Tortoise.

4. No person shall purchase, sell or exhibit for sale, or selling of export any preserved or stuffed Giant Land Tortoise.

5. No person except a tortoise breeder registered under export of giant regulation 7 shall export a Giant Land Tortoise.

6. Notwithstanding regulation 5, the Minister may export on adult Giant behalf of the Government of Seychelles a maximum of 15 adult Giant Land Tortoise each year to any person or institution as a gift or for scientific purposes.

7. (1) An application for registration as a tortoise breeder authorised to export Giant Land Tortoises shall be made to the Ministry of Environment.

(2) The Minister may direct an applicant for registration to furnish such particulars as it may consider necessary and the applicant shall comply with such direction.

(3) Upon receipt of an application under regulation 7(1), the Ministry of Environment may issue or refuse to issue a permit.

8. A registered tortoise breeder shall export only verifiably Land Tortoise captive bred juvenile tortoises after having obtained an export by tortoise permit under regulation 9.

9. (1) An application for an export permit shall be made to the permit shall be made to the Ministry of Environment in respect of Giant Land Tortoises to be exported.

(2) An application for an export permit shall be accompanied by a fee of SR100/- in respect of each Giant Land Tortoise to be exported.

Wild Animals (Turtles) Protection Regulation

(11th July, 1994)

SI. 46 of 1994.
SI. 63 of 1998

1. (1) These Regulations may be cited as the Wild Animals Commencement (Turtles) Protection) Regulations.

(2) These Regulations, other than regulation 5(2), shall come into force on the date of publication of these Regulations in the *Gazette*.

2. In these Regulations -

"calipee" includes the gelatinous membranes which connect the carapace to the plastron of a turtle;

"shell" includes the carapace, plastron or any part of a shell;

"turtle" includes the green turtle (*Chelonia mydas*), hawksbil turtle (*Eretmochelys imbricata*) and any other turtle which from time to time may be found in the territorial waters of Seychelles.

3. A turtle shall be a protected animal throughout Seychelles.

4. (1) No person shall disturb, catch, injure, fish for, kill, sell, relating to purchase, receive or possess any turtle.

(2) No person shall possess, disturb, sell, purchase, receive, take, remove or cause to be taken or removed any turtle egg either while it is being laid, or after it has been laid, by a female turtle.

5. (1) Subject to regulation 6, no person shall possess, sell, relating to expose for sale, purchase or receive any raw, worked or treated turtle shell, shell of a turtle.

(2) No person shall sell, expose for sale, purchase or receive any meat product derived from any shell of a turtle.

(3) No person shall possess, sell, expose for sale, purchase or receive any meat or any part of the flesh or calipee of a turtle.

6. (1) Any person who, on the commencement of these turtle shell by Regulations, is in possession of any raw, worked or treated shell permit holder. of a turtle shall, within 90 days after the commencement of these Regulations, furnish the particulars of such shell to the Department of Environment of the Ministry of Foreign Affairs, Planning and Environment or to any authority designated by the Minister in such form as may be provided by the Department or authority.

(2) The Department of Environment or the authority shall record in a register to be kept by the Department or authority -

(a) the name of each person who has furnished the particulars under subregulation (1);

(b) the particulars so provided; and

issue a permit to each such person to possess the shell.

(3) Where the holder of a permit issued under subregulation (2) dies, any person who obtains possession of the turtle shell referred to in the permit by right of succession shall, within 90 days thereafter, surrender the permit of the deceased and furnish the particulars of such shell in the manner provided in subregulation (1) to the Department or authority referred to in that

subregulation and the Department or authority shall record the name of the person in the register kept under that subregulation, cancel the permit issued to the deceased and issue the person a permit to possess the shell.

(4) A holder of a permit issued under subregulation (2) or subregulation (3), may, notwithstanding regulation 5, possess the turtle shell referred to in the permit.

6A. (1) Notwithstanding any permit issued under regulation 6, no person shall, after the coming into operation of this regulation, possess, sell, expose for sale, purchase or receive any raw shell of a turtle.

(2) No compensation shall be payable in respect of any loss resulting solely from the prohibition contained in subregulation (1).

7. No person shall export or import a turtle shell or any product on import or of a turtle shell.

8. Any person who contravenes regulation 4 or regulation 5 or regulation 6A or regulation 7 is guilty of an offence and is liable on conviction to the penalties provided under section 3 of the Act.

9. A prosecution for an offence under these Regulations may be instituted by the Attorney-General, a police officer or any person authorised by the Minister.

10. The Minister may grant permission to any person for research for carrying out in Seychelles scientific research on or monitoring of turtles and any person who pursuant to such permission does any act prohibited by these Regulations shall not be deemed to contravene these Regulations.

Wild Animals (Whales Shark) Protection Regulation

SI. 1 of 2003.

(3rd February 2003)

1. (1) These Regulations may be cited as the Wild Animals (Whales Shark) Protection Regulations.

2. The whale shark (*Rhincodon typus*) is declared to be protected throughout Seychelles at all times.

3. No person shall kill or take a whale shark.

4. Nothing in the preceding regulations shall be construed as preventing otherwise legitimate fishing activities or authorized scientific research.